

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEYANIRA BRITO,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 19-CV-10631 (KMK)

ORDER ADOPTING
REPORT & RECOMMENDATION

KENNETH M. KARAS, United States District Judge:

Deyanira Brito (“Plaintiff”) brings this Action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the final decision of the Commissioner of Social Security (the “Commissioner” or “Defendant”), which denied her application for disability insurance benefits and/or supplemental security income benefits. (Dkt. No. 2.) The Commissioner moved for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. (Dkt. No. 16.) Plaintiff did not submit any opposition or cross motion. (*See* Dkt.)

The case was referred to the Honorable Andrew E. Krause (“Judge Krause”). On January 26, 2022, Judge Krause issued a Report and Recommendation (“R&R”) recommending that the Commissioner’s Motion be denied. (Dkt. No. 21.) The parties did not file any objections to the R&R.¹

When no objections are filed, the Court reviews an R&R on a dispositive motion for clear error. *See Bickram v. Comm’r of Soc. Sec.*, No. 18-CV-1160, 2021 WL 2665876, at *1 (S.D.N.Y. June 29, 2021); *Andrews v. LeClaire*, 709 F. Supp. 2d 269, 271 (S.D.N.Y. 2010).

¹ Judge Krause provided notice that, pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, objections to the R&R were due within fourteen days after being served with a copy. (R&R 23.)

The Court has reviewed the R&R and finding no substantive error, clear or otherwise, adopts the R&R.

Accordingly, it is hereby:

ORDERED that the Report and Recommendation, dated January 26, 2022, is ADOPTED in its entirety.

ORDERED that the Defendant's Motion for Judgment on the Pleadings is denied.

ORDERED that judgment be entered in favor of Plaintiff, and that this matter be remanded to the Commissioner for further administrative proceedings.

The Clerk of Court is respectfully requested to terminate the pending Motion, (Dkt. No. 16), mail a copy of this Order to Plaintiff at the address on the docket, and close this case.

SO ORDERED.

DATED: March 30, 2022
White Plains, New York

A handwritten signature in black ink, appearing to read 'KMK', with a horizontal line drawn underneath the signature.

KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE